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FEDERAL COMMUNICATIONS COMMISSION November 23, 1999
OFFICE OF THE SECRETARY

COLUMBIA SQUARE
555 THIRTEENTH STREET, NW
WASHINGTON, DC 20004-1109
TEL (202) 637-5600
FAX (202) 637-5910

Magalie Roman Salas, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: Petition for Designation as an Eligible Telecommunications
Carrier and for Related Waivers to Provide Universal Service
to the Crow Reservation, Montana
CC Docket No. 96-45, DA 99-1847

Record Update and Notice of Ex Parte Contact

Dear Ms. Salas:

On behalf of Western Wireless Corporation ("Western Wireless"), I am writing to update the record in the referenced proceeding. At the time Western Wireless submitted its Petition for Designation as an Eligible Telecommunications Carrier ("ETC") to provide universal service on the Crow Reservation in Montana, the company had pending before the Montana Public Service Commission ("PSC") a Petition for Designation as an ETC in certain areas served by local exchange carriers ("LECs"). Western Wireless withdrew its Montana ETC petition on November 3, 1999, after reaching an impasse on discovery before the PSC. A copy of the Notice of Withdrawal of Application for Designation as an Eligible Telecommunications Carrier is attached.

In the course of the instant proceeding, several parties alleged that the pendency of Western Wireless' ETC application before the PSC deprives the FCC of jurisdiction over Western Wireless' ETC petition for the Crow Reservation. These arguments are now moot in view of the dismissal of Western Wireless' Montana ETC petition.

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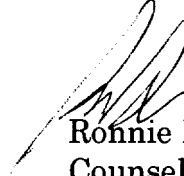
BALTIMORE, MD BOULDER, CO COLORADO SPRINGS, CO DENVER, CO LOS ANGELES, CA MCLEAN, VA NEW YORK, NY

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Magalie Roman Salas
November 23, 1999
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If you have any questions regarding this matter, please contact me.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ronnie London', is written over the typed name.

Ronnie London
Counsel for Western Wireless Corp.

Enclosure

**DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA**

IN THE MATTER OF Western Wireless)	UTILITY DIVISION
Corporation, Application for Designation as an)	<u>NO. D98.8.190</u>
Eligible Telecommunications Carrier.)	

**WESTERN WIRELESS CORPORATION'S
NOTICE OF WITHDRAWAL OF APPLICATION FOR DESIGNATION AS AN
ELIGIBLE TELECOMMUNICATIONS CARRIER**

COMES NOW Western Wireless Corporation ("Western Wireless") with its Notice of Withdrawal of Application for Designation as an Eligible Telecommunications Carrier. Western Wireless' decision to withdraw has not been made without careful and thoughtful deliberation. Significant resources have been expended by the company pursuing this application, and much has been accomplished already in this proceeding, but, with some measure of regret, the decision to withdraw at this point has been made.

Western Wireless has discussed at length in previous pleadings its concerns regarding the breadth of discovery allowed in this case. It continues to maintain that the degree of discovery allowed is too broad and will open this proceeding to issues beyond the scope of what is relevant for determining eligible telecommunications carrier status. Western Wireless fully recognizes and appreciates that relevance and the scope of discovery in a given case are issues upon which reasonable minds may differ. The Commission's statement that it does not know what standards will be applied on the merits makes it very difficult, if not impossible, for any applicant to meet its burden to prove its case. Therefore, Western Wireless has concluded that it would not be in its best interest to proceed in this docket under the present circumstances.

Western Wireless remains committed to Montana, and it has every hope of returning to this issue at such time as the requisite criteria are more firmly established. In the meantime, it

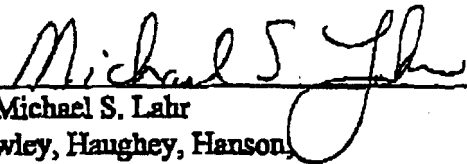
will continue to dedicate itself to providing quality service to its customers in Montana. In closing, Western Wireless wishes to express its sincere appreciation for the patience and consideration extended to it throughout this proceeding by the Commission, its staff, intervenors and their counsel.

Respectfully submitted,

Western Wireless Corporation

Dated: November 3, 1999

By:



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CERTIFICATE OF SERVICE

I hereby certify that an original and twelve copies of the foregoing Western Wireless Corporation's Notice of Withdrawal of Application for Designation as an Eligible Telecommunications Carrier were hand-delivered, on the 3rd day of November, 1999 to:

Dennis Crawford
Public Service Commission
1701 Prospect Avenue
P.O. Box 202601
Helena, MT 59620-2601

and a true and correct copy was mailed by first class mail on this 3rd day of November, 1999, to:

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